



April 23, 2025

VIA CM/ECF

Hon. Denise L. Cote
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18B
New York, New York 10007

Re: *Sound Around, Inc. v. Friedman et al.*
Case No. 1:24-cv-01986

Dear Judge Cote:

This firm represents Defendants Moises Friedman, Shulim Eliezer Ilowitz, ML Imports, Inc., CYRF, Inc., LRI Group, LLC, MDF Marketing Inc., and World Group Import, LLC ("Defendants") in the above-referenced matter. The Court ordered a scheduling conference for May 20, 2025 at 2:30 p.m. after Plaintiff's counsel requested to adjourn the previously assigned date.

On behalf of the Defendants, I respectfully request the adjournment of the conference. I am the principal attorney handling this matter on behalf of the Defendants. I will be in Morocco beginning May 17, 2025 and will be back in the office on June 3, 2025. I conferred with counsel for the other parties, who consented to this request. All counsel are available to appear for the scheduling conference on the following dates: May 14, May 15, June 6, June 9, June 11, June 16, June 20, June 23, or June 24, 2025.

In addition, Plaintiff submitted a letter at the Court's request outlining the relief it will seek in its preliminary injunction motion. We request that the Plaintiff be required to proceed by motion so that Defendants are given a full opportunity to oppose the motion and argue that neither law nor fact justify a preliminary injunction hearing. Notwithstanding what Plaintiff asserts in its letter, there was no agreement in force restricting the Defendants from operating their own business. In fact, Friedman and Ilowitz were not employees of the Plaintiff during all relevant periods. Friedman had been an independent contractor since the end of 2018, operating his own business, and Ilowitz was an independent contractor since 2022. There are no trade secrets nor is there proprietary software developed by Plaintiff which is or has been used by the Defendants. Further, to garner hostility from the Court, the Plaintiff is mischaracterizing commissions as bribes and kickbacks. The discovery we have obtained in the last year confirms what is stated

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*The conference is adjourned
to June 6 at 3:00 p.m.
Denise Cote
4/24/25*

herein, all of this will be fully developed in our opposition to their motion. We are confident that the Court will find that Plaintiff does not have a basis for a hearing for a preliminary injunction, let alone the broad relief they continue to seek.

Thank you for your consideration.

Sincerely,

/s/Nicholas Fortuna

Nicholas Fortuna

cc: All counsel via CM/ECF